UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ZHENG JIA,

Petitioner,

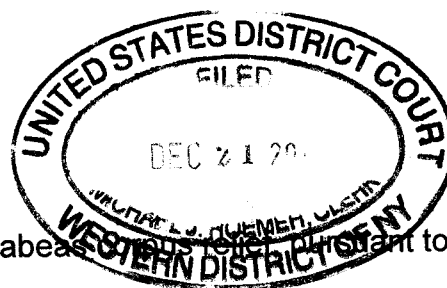-v-

DECISION and ORDER
10-CV-0707Sr

ERIC HOLDER, U.S. Attorney General, et al.,

Defendants.

Petitioner, Zheng Jia, filed a petition for a writ of habeas corpus relief pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody/detention pending removal. (Docket No. 1). Petitioner was ordered removed by an Immigration Judge on or about November 15, 2004. (Docket No. 1, Petition, ¶ 21). His appeal was denied by the Board of Immigration Appeals on or about March 22, 2006 (*id.*, at ¶ 22(d)), and his petition for review was denied by the United States Court of Appeals on or about August 21, 2006. (*Id.*, ¶ 22(f)). He was taken into the custody of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement on or about February 23, 2010. (Petition, at ¶ 13). Respondents have filed a motion to dismiss the petition as moot inasmuch as petitioner has been released from administrative detention pending removal pursuant to an Order of Supervision, dated December 7, 2010. (Docket No. 7, Motion to Dismiss, Affidavit of Gail Y. Mitchell, sworn to December 14, 2010, ¶ 4, and Exh. A--Order of Supervision).
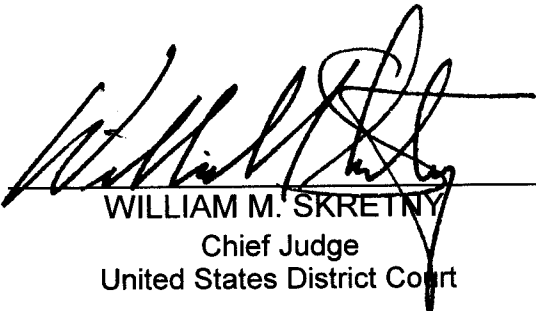
Accordingly, in light of the fact that petitioner has been released from administrative detention pending removal, the respondents' motion to dismiss the petition is granted and

the petition is dismissed. *See Masoud v. Filip*, NO. 08-CV-6345-CJSVEB, 2009 WL 223006 (W.D.N.Y., January 27, 2009) (confirming Report and Recommendation of U.S.M.J. Victor E. Bianchini) (petition for a writ of habeas corpus filed under 28 U.S.C. § 2241 seeking release from detention pending removal moot upon release of petitioner from detention pursuant to an Order of Supervision).

The Clerk of the Court is directed to forward a copy of this Order to petitioner at the address set forth in the Order of Supervision: 4450 Buckingham Lane, Iowa City, IA 52245.

SO ORDERED

Dated: _____12 / 21_____, 2010
Buffalo, New York

WILLIAM M. SKRETNY
Chief Judge
United States District Court

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